

UNITED STATES DISTRICT COURT

for the  
EASTERN DISTRICT OF WISCONSIN

In the Matter of the Search of

Case Number: 12 m 620  
12 MAR 21 PM 02

A USPS Express Mail parcel with tracking number EI332504379US addressed to "Casey Therrian, 400 dakota ST, Oshkosh, WI 54902" and containing the return address "Mark Kenton, 3939 Crenshaw BLVD, Los Angeles, CA 90008."

APPLICATION & AFFIDAVIT FOR SEARCH WARRANT

I, Matt Schmitz, a federal law enforcement officer, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

A USPS Express Mail parcel with tracking number EI332504379US addressed to "Casey Therrian, 400 dakota ST, Oshkosh, WI 54902" and containing the return address "Mark Kenton, 3939 Crenshaw BLVD, Los Angeles, CA 90008."

currently located Oneida, WI in the Eastern District of Wisconsin there is now concealed: Please see attached affidavit, which is hereby incorporated by reference.

The basis for the search warrant under Fed. R. Crim. P. 41(c) is which is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of a crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Title 21, United States Code, Sections 843(b).

The application is based on these facts:

- ☒ Continued on the attached sheet, which is incorporated by reference.
- ☐ Delayed notice of \_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Sworn to before me, and signed in my presence.

Date 3-21-2012

City and state: Green Bay, Wisconsin

Applicant's signature  
Name and Title: Matt Schmitz, U.S. Postal Inspector

Judge's signature  
THE HONORABLE JAMES R SICKEL  
United States Magistrate Judge  
Name & Title of Judicial Officer

## AFFIDAVIT

Matt Schmitz, United States Postal Inspector, being duly sworn, states the following information was developed from his personal knowledge and from information furnished to him by other law enforcement agents and professional contacts:

1. I have been employed by the United States Postal Inspection Service for approximately eight years and was previously employed as a Police Officer with the City of Middleton (WI) and City of Janesville (WI) Police Departments for a total of six years. As part of my duties as a Postal Inspector, I investigate the use of the U. S. Mails to illegally send and receive controlled substances and drug trafficking instrumentalities. I have participated in investigations which have resulted in the arrest of individuals who have received and distributed controlled substances using the U.S. Mail, as well as the seizure of the illegal drugs and proceeds from the sale of those illegal drugs. My training and experience includes identifying packages with characteristics indicative of criminal activity, namely, the distribution of controlled substances.
2. This affidavit is submitted in support of an application for a search warrant for a 12 inch by 12 inch by 8.5 inch Express Mail parcel, mailed on March 19, 2012, from Arcata, CA 95521. This parcel bears addressee and return address information handwritten in blue ink. The parcel is addressed to "Casey Therrian, 400 dakota ST, Oshkosh, WI 54902" and bears a return address of "Mark Kenton, 3939 Crenshaw BLVD, Los Angeles, CA 90008." The parcel weighs approximately 4 lbs. 4.3 oz. and bears \$49.65 in postage.
3. On March 20, 2012, I was conducting a review of US Postal Service records that showed the transport status of Express Mail parcels destined for zip code 54902, an Oshkosh, WI zip code. As part of my duties in investigating the distribution of controlled substances via the US Mail, I regularly research USPS records regarding the transport of Express Mail parcels to locations in Wisconsin that have or are suspected of receiving controlled substances via the US Mail. I know from conducting previous controlled substance investigations that individuals mailing


controlled substances commonly use Express Mail considering it is the fastest method of shipping available through the Postal Service and allows an individual to track the shipping status. I also know from these investigations that many parcels found to contain controlled substances, namely, marijuana, have been mailed from post offices in California and that these parcels commonly weigh in excess of at least one pound. During this review I located Express Mail parcel EI332504379US and saw it had been mailed from Arcata, CA 95521 on 3/19/2012, weighed approximately 4 pounds, 4.3 ounces, and was destined for delivery in Oshkosh, WI on March 21, 2012.

4. On March 21, 2012, I traveled to the Grand Chute Postal Station in Grand Chute, WI to examine the exterior of Express Mail parcel EI332504379US. I know from conducting previous controlled substance investigations that Express Mail parcels destined to be delivered in Oshkosh, WI are first sorted at the Grand Chute, WI Postal Station after having arrived via air transport to Wisconsin. I located Express EI332504379US and saw it was addressed to "Casey Therrian, 400 Dakota ST, Oshkosh, WI 54902" and contained a return address of "Mark Kenton, 3939 Crenshaw BLVD, Los Angeles, CA 90008."
5. On March 21, 2012, I researched the Accurint law enforcement database for information on Casey Therrian at 400 Dakota St in Oshkosh, WI, and Mark Kenton, 3939 Crenshaw BLVD, Los Angeles, CA 90008. I learned from these search results that the name Seth Therrian, but not Casey Therrian, was known to exist in Oshkosh, WI and that the name Mark Kenton was not known to be associated with the address 3939 Crenshaw BLVD, Los Angeles, CA 90008. I also queried the internet search engine Google for information on the address 3939 Crenshaw BLVD, Los Angeles, CA, and received results showing the restaurants Buffalo Wild Wings and Subway were associated with that address. On March 21, 2012, I contacted the Oshkosh, WI Post Office and learned that the names Casey and Seth Therrian were believed to be currently receiving mail at 400 Dakota St,

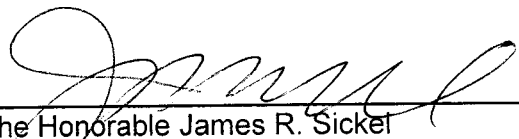
Oshkosh, WI 54902. I know from previous controlled substance investigations that individuals mailing controlled substances commonly use a name and/or address that they are not associated with or that is otherwise fictitious in order to avoid detection by law enforcement.

6. On March 21, 2012, I returned to Green Bay, WI and contacted Brown County Drug Task Force Narcotics Investigator and K-9 Officer Zach Holschbach who agreed to assist with presenting Express Mail parcel EI332504379US to a dog sniff. Investigator Holschbach is a trained handler of a certified drug detection dog named "Sammy." Investigator Holschbach explained that Sammy is trained in detecting the presence of marijuana, cocaine, heroin, and methamphetamine, and was last certified in detecting narcotics in November of 2011. Consistent with Investigator Holschbach's training and direction, I placed the subject Express Mail parcel underneath my law enforcement vehicle in the parking lot of the UPS building on the east side of Green Bay. My vehicle was parked in the middle of a parking row that was occupied with other similar vehicles. Investigator Holschbach and Sammy examined the area near my law enforcement vehicle for the odor of controlled substances. Investigator Holschbach said Sammy alerted to the presence of controlled substances in the subject Express Mail parcel that was placed underneath my law enforcement vehicle. Following the dog sniff, I retained custody of the parcel and currently have it in my possession at the US Postal Inspection Service Office in Oneida, WI.
7. Postal Regulation Sec. 274.31 of the United States Postal Service Administrative Support Manual states that no one may detain mail sealed against inspection, except under the following condition: A Postal Inspector acting diligently and without avoidable delay, upon reasonable suspicion, for a brief period of time, to assemble evidence sufficient to satisfy the probable cause requirement for a search warrant issued by a Federal Court.

8. For these reasons, there is probable cause to believe that Express Mail parcel EI332504379US contains controlled substances, controlled substance paraphernalia, and/or proceeds or payment related to the purchase of controlled substances. I am seeking the issuance of a warrant to search this parcel, and the contents contained therein, for contraband and evidence of a crime, namely, possession and possession with the intent to distribute controlled substances, and use of the mails to commit a controlled substance felony, in violation of Title 21, United States Code, Sections 841(a)(1), 843(b), and 844.

  
\_\_\_\_\_  
Matt Schmitz  
U.S. Postal Inspector

Subscribed and sworn to before me this 21<sup>st</sup> day of March, 2012.

  
\_\_\_\_\_  
The Honorable James R. Sicket  
United States Magistrate Judge  
Eastern District of Wisconsin